

1 AN ORDINANCE OF THE BOARD OF COUNTY
2 COMMISSIONERS OF PALM BEACH COUNTY,
3 FLORIDA REQUIRING THE POSTING OF PUBLIC
4 HEALTH MESSAGES BY PERSONS SELLING OR
5 DISPENSING ALCOHOLIC BEVERAGES REGARDING
6 THE CONSUMPTION OF ALCOHOLIC BEVERAGES
7 DURING PREGNANCY AND OTHER DANGERS
8 ASSOCIATED WITH THE CONSUMPTION OF
9 ALCOHOLIC BEVERAGES; PROVIDING
10 DEFINITIONS; PROVIDING FOR THE POSTING OF
11 CERTAIN PUBLIC HEALTH MESSAGES BY VENDORS
12 AND CERTAIN OTHER DISPENSERS OF ALCOHOLIC
13 BEVERAGES; PROVIDING FOR PROHIBITION;
14 PROVIDING FOR PENALTIES; PROVIDING FOR
15 SEVERABILITY; PROVIDING FOR TERRITORY
16 EMBRACED; PROVIDING FOR AN EFFECTIVE
17 DATE.

18 WHEREAS, Fetal Alcohol Syndrome is a group of birth
19 defects manifested as a result of maternal alcohol
20 consumption; and

21 WHEREAS, the aforementioned syndrome of birth
22 defects causes mental retardation and is also characterized by
23 central nervous system disorders, growth deficiencies, a
24 specific cluster of facial abnormalities and other
25 malformations, particularly skeletal, urogenital and cardiac;
26 and

27 WHEREAS, in addition to the children born with the
28 full syndrome, thousands of babies are born each year with one
29 or more birth defects or impairments attributed to maternal
30 alcohol consumption; and

31 WHEREAS, in 1981, the Surgeon General advised women
32 who were pregnant or considering pregnancy to abstain from
33 drinking alcohol; and

34 WHEREAS, despite the warning of the Surgeon General,
35 many women are not aware of the consequences of drinking
36 alcoholic beverages during pregnancy; and

37 WHEREAS, the consumption of alcoholic beverages
38 before driving or operating machinery poses serious dangers to
39 the individuals concerned and the general public at large; and

40 WHEREAS, the general public should be informed
41 regarding the potential addictive effects regarding the
42 consumption of alcoholic beverages; and

43 WHEREAS, the general public should be informed

1 regarding the dangers and potentially fatal consequences of
2 consuming alcoholic beverages with other drugs;

3 WHEREAS, the posting of public health messages by
4 vendors and certain other dispensers of alcoholic beverages
5 warning that drinking during pregnancy can cause birth defects
6 will provide the public with the information necessary to make
7 an informed decision about drinking alcoholic beverages during
8 pregnancy, and other dangers associated with the consumption
9 of alcohol; and

10 WHEREAS, the State Health Office, Florida Medical
11 Association, Florida Public Health Association, and Florida
12 Dietetic Association have endorsed alcohol health warning
13 signs as an effective measure to generate awareness and
14 attitude change regarding the dangers of alcohol consumption.

15 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
16 OF PALM BEACH COUNTY, FLORIDA:

17 Section 1. DEFINITIONS:

18 (a) "Alcoholic Beverage" means and includes
19 alcohol, spirits, liquor, wine or beer, regardless of amount,
20 containing more than one percent (1%) of alcohol by weight.

21 (b) "Vendor of Alcoholic Beverages" means any
22 person who owns or operates a business establishment which
23 sells or dispenses any alcoholic beverages for consumption on
24 or off the premises.

25 (c) "Business Establishment" shall mean and
26 include, but not be limited to, any place of business of any
27 club, organization, person, firm, corporation or partnership,
28 such as: a golf club; country club; veteran's fraternal or
29 benevolent organization; grocery store; drug store; night
30 club; bottle club; bar; tavern; restaurant; grill; filling
31 station; convenience store; or other building, structure or
32 location or portion thereof, wherein one person directly or
33 indirectly pays another for the purchase or dispensing of an
34 alcoholic beverage.

35 (d) "Dispense" means and includes the storing,

1 handling, apportionment, preparation, gift, distribution, or
2 serving, directly or indirectly, of any amount of an alcoholic
3 beverage to or for any person by any officer, owner, operator,
4 lessee, or employee of a business establishment. For purposes
5 of this definition, permitting or allowing any person to carry
6 alcoholic beverages on the premises of any business
7 establishment to be consumed thereon shall constitute the
8 "dispensing" of such beverages.

9 (e) "Sale" shall mean and include: any transfer of
10 an alcoholic beverage for a consideration; any gift of an
11 alcoholic beverage in connection with or as a part of a
12 transfer of any property or product not an alcoholic beverage
13 for a consideration.

14 (f) "Person" shall mean an individual, person,
15 firm, partnership, corporation, or association.

16 **SECTION 2. POSTING OF PUBLIC HEALTH MESSAGES.**

17 All persons who own or operate a business
18 establishment which sells or dispenses alcoholic beverages for
19 consumption on or off the premises shall post, in a
20 conspicuous place within said business establishment where
21 alcoholic beverages are displayed, purchased, or consumed, one
22 or more signs or notices, not less than 12" wide and 18" high,
23 which contain the following statement, clearly discernable by
24 persons to whom alcoholic beverages may be sold or dispensed:

25 **HEALTH WARNING**

26 **Alcohol in Beer, Wine, & Liquor Can Cause:**

27 **Intoxication**
28 **Addiction**
29 **Birth Defects**

30 **Do Not Drink Before Driving or Operating Machinery**
31 **Do Not Mix Alcohol With Other Drugs (It Can Be Fatal)**
32 **Do Not Drink During Pregnancy**

33 **SECTION 3. PROHIBITION.**

34 No person shall sell or dispense alcoholic beverages
35 at a business establishment unless and until the sign or
36 notice required by Section 2 of this ordinance has been posted
37 in accordance with this ordinance.

1 **SECTION 4. PENALTIES.**

2 Any person, firm, corporation, association or agent
3 thereof who shall violate the provisions of this ordinance
4 shall be subject, upon conviction, to a fine not exceeding the
5 sum of Five Hundred (\$500.00) Dollars, or imprisonment in the
6 County Jail for a period not exceeding sixty (60) days, or by
7 both such fine and imprisonment. Each day of violation of the
8 provision of this ordinance shall constitute a separate
9 offense.

10 **SECTION 5. SEVERABILITY.**

11 It is declared to be the intent of the Board of
12 County Commissioners of Palm Beach County, Florida, that if
13 any section, subsection, sentence, clause or provision of this
14 ordinance be held invalid the remainder of the ordinance shall
15 not be affected.

16 **SECTION 6. TERRITORY EMBRACED.**

17 All territory within the legal boundaries of Palm
18 Beach County, Florida, including all unincorporated areas
19 shall be embraced by the provisions of this ordinance.

20 **SECTION 7. EFFECTIVE DATE.**

21 This ordinance shall take effect June 1, 1991.

22 **APPROVED AND ADOPTED** by the Board of County
23 Commissioners of Palm Beach County, on the _____ 19th _____ day
24 of _____ March _____, 19 _____ 91.

25 PALM BEACH COUNTY, FLORIDA,
26 BY ITS BOARD OF COUNTY COMMISSIONERS
27 By _____ Chairman
28 JOHN B. DUNKLE, Clerk
29 Board of County Commissioners
30 By _____ Deputy Clerk
31 Van B. Cook
32 COUNTY ATTORNEY

33 APPROVED AS TO FORM AND
34 LEGAL SUFFICIENCY

35 Acknowledgement from the Department of State received on the
36 _____ 2nd _____ day of _____ April _____, 19 _____ 91 _____, at
37 _____ 10:06 _____ A.M. and filed in the Office of the Clerk
of the Board of County Commissioners of Palm Beach County,
Florida.

Acknowledged by the Department of State, State of Florida, on the
_____ 29th _____ day of _____ March _____, 1991.
STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the Ordinance
my office on _____ 3/19/91 _____
DATED at West Palm Beach, FL on _____ 4/3/91 _____
JOHN B. DUNKLE, Clerk
By: _____ Deputy Clerk D.C.

91-17